

REMARKS:

In the foregoing amendments, editorial changes were made to claim 1 to better define the touch sensor disposed on the display and the capacitance detecting of the electronic control unit relative to the location of the touch switch. New claims 19-25 approximately correspond to previously presented claims 1, 2, 5, 6, 8, 11 and 12. Claims 1-25 are present in the application for consideration by the examiner. A formal allowance of these claims is respectfully requested for at least the following reasons.

The foregoing amendments were made to clarify what was already implied in applicant's claims and these amendments are not narrowing amendments and are not being made for reasons substantially related to patentability presented. For these reasons, applicant respectfully requests that the foregoing amendments to the claims be entered under the provisions of 37 C.F.R. §1.116 for the purposes of placing the application in condition for allowance or for the purposes of appeal.

The Official action set forth three prior art rejections of applicant's claims. Claims 1-2 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. publication No. 2004/0056758 of Schwartz in view of Japanese publication No. 11-312053 of Kimura. This rejection appears on pages 2 and 3 of the Official action. Claims 3-13 and 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schwartz in view of Kimura and further in view of U.S. patent No. 5,847,690 of Boie *et al.* (Boie). This rejection appears on pages 3-5 of the Official action. Claims 14-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schwartz in view of Kimura and further in view of Boie and U.S. publication No. 2003/0132922 of Philipp. This rejection is set forth on pages 5 and 6 of the Official action. Additional comments in support of these rejections were set forth on pages 6 and 7 of the

Official action. Applicant respectfully submits that the inventions defined in claims 1-25 are patently distinguishable from the teachings of Schwartz and Kimura in view of Boie alone or together with Philipp within the meaning of 35 U.S.C. §103(a) for at least the following reasons.

In claims 1 and 19, the electronic control unit determines the operation of the passenger when the touch sensor detects the capacitance between the touch sensor and one of the finger and the hand in a case where the touch switch is disposed on the driver's side of the screen or based on the approach position and the touch position. Specifically, when the passenger operates the operation equipment, the hand or the finger of the passenger firstly approaches the screen of the display from the passenger's side. Then, the passenger touches the touch switch on the screen. However, when the driver operates the equipment, the driver directly touches the touch switch since the touch switch is disposed on the driver's side of the screen, as shown in Fig. 4 of the present application. Thus, the electronic control unit determines the operation of the passenger when the touch sensor detects the capacitance between the touch sensor and one of the finger and the hand.

In addition, claim 1 defines that when the touch switch is disposed on the passenger's side of the screen, the electronic control unit determines the operation of the driver when the touch sensor detects the capacitance between the touch sensor and one of the finger and the hand.

The Official action stated that in Schwartz, the ECU (210) distinguishes the operation of the driver from the operation of the passenger by detecting the first signal from the driver's seat generator (202, I) or the second signal from the passenger's seat generator (202, M). This method for distinguishing the operator proposed by Schwartz is different from that defined in claims 1 and 19. Specifically, in present claims 1 and 19, the operation can be distinguished without the use of the signal generator (202, I, M) as required in Schwartz. This arrangement

provides the presently claimed invention with advantages over the arrangement proposed by Schwartz, which cannot be contemplated or suggested thereby.

The teachings of Kimura propose that the equipment therein distinguishes the operation of the driver from the operation of the passenger by detecting a direction of pressure of a finger. Thus, in accordance with the teachings of Kimura, it is required to touch the display (1) with the finger. Accordingly, it is readily apparent to those skilled in the art that the method for distinguishing the operator proposed by Kimura is different and patently distinguishable from that defined in applicant's claims 1 and 19. Specifically, in claims 1 and 19, the operation can be distinguished without touching the display 5, i.e., the touch switch 3, in contrast to touching the display (1) with the finger that is essentially required in Kimura.

The teachings of Boie only propose the display (1) integrated with the touch sensor (30). Thus, the teachings of Boie do not contemplate or suggest the method for distinguishing the operation of the operator, as presently claimed.

The teachings of Philipp only propose a method for compensating a noise caused by a capacitance between a part (14) of a body of the operator and the touch panel (10), the part (14) which does not touch the touch panel (10). Thus, the teachings of Philipp do not contemplate or suggest a method for distinguishing the operation of the operator, as required in the present claims.

Furthermore, applicant respectfully submits that the combination of Schwartz and Kimura in view of Boie alone or together with Philipp cannot render the presently claimed invention obvious within the meaning of 35 U.S.C. §103. Considering, for example, the alleged combination of Schwartz and Boie, when the driver's seat generator (202, 1 in Schwartz) transmits the first signal to the display through the driver's body, the first signal is transmitted to

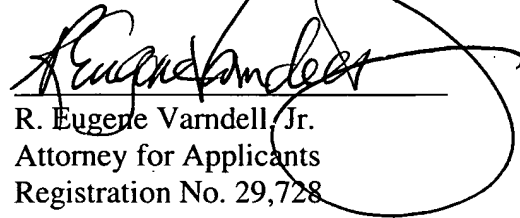
the display with using the touch sensor (30 in Boie). Further, when the passenger's seat generator (202, M in Schwartz) transmits the second signal to the display through the passenger's body, the second signal is transmitted to the display with using the touch sensor (30 in Boie). Therefore, it could not have been obvious to a person skilled in the art to provide the above method in the amended claims 1 and 19, which does not include touching the touch sensor, by combining Schwartz and Boie.

For the foregoing reasons, applicant respectfully submits that the inventions defined in claims 1-25 are patently distinguishable from the teachings of Schwartz and Kimura in view of Boie alone or together with Philipp. Therefore, applicant respectfully requests that the examiner reconsider and withdraw all the rejections of the present claims over these teachings.

At least for the foregoing reasons, a formal allowance of claims 1-25 is respectfully requested. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,
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